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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058763
Party	Defendant Maria Mandarino and Eugene Mandarino
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Submission	Answer
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Signature	/Eugene Mandarino/
Date	05/20/2014
Attachments	IN THE UNITED STATES Dad signature.pdf(195234 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EUGENE AND MARIA MANDARINO

Respondents

V.

Registration No. 3,539,584

For the trademark: WILD GOOSE CAFÉ & design

JOHN WAYNE ENTERPRISES, LLC.

Petitioner,

ANSWER FOR THE PETITION FOR CANCELLATION

1) Eugene Mandarino (Maria Mandarino has already responded) of 624 N. Milwaukee Avenue is responding to the Petition for the cancelation of our mark WILD GOOSE CAFÉ, as shown in U. S. Registration NO 3,539,584

The Registration

2) We obtained registration for the mark WILD GOOSE CAFÉ & design on December 2, 2008 Registration NO. 3,539,584 covering “Café-restaurants? Carry-out restaurants: Provision of food and drink in restaurants: Restaurant and bar services; Restaurant service: featuring sandwiches: Restaurant: Restaurants featuring home delivery; Take-out restaurant services; Catering; Catering for the provision of food and beverages; Catering of food and drinks; Providing banquet and social function facilities for special occasion: Cafes: in International Class 43 with an asserted date of first use of September 15, 1993. We used the mark from 1993 to 1998. We again used the mark from 2003 to 2007. After nine years of good will and hard work we decided to register our mark with the plans of opening another WILD GOOSE CAFÉ. With the economic downturn in 2008 our strategy was to postpone use until the economy leveled.

Opposition of Abandonment

3) Renewal deadline for WILD GOOSE CAFÉ (design) is December 2 2014

4) As told to petitioners we have not abandoned our mark we have postponed our use. It was to my understanding that we had until December 2, 14 to file a section 8. Lindsay J Hulley Attorney for the petitioner John Wayne Enterprise offered us in conversation to co-exist by offering us to stay in Illinois while they lay claim to the West Coast. We counter offered to allow John Wayne Enterprise to use the WILD GOOSE CAFÉ in California only. Lindsay Hulley (attorney for John Wayne Enterprise) said her client was uncertain of their future and didn't want just the rights to California. We in turn felt the same. I am prepared to show proof that plans are underway for the WILD GOOSE CAFÉ &(design).

WHEREFORE, Respondant prays that Registration No. 3,539,584 not be cancelled and lets us keep what is rightfully ours.

Dated May 20, 2014

Respectfully submitted,

By: /Eugene Mandarino /

Eugene Mandarino

/Maria Mandarino/

Maria Mandarino

624 N.Milwaukee Ave

Libertyville, Illinois, 60048

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ANSWER FOR THE PETITION FOR CANCELLATION will be served upon Petitioners by depositing a copy of same with United States Postal Service, first class postage, on this date, addressed to:

Petitioner:
Ms. Lindsay J. Hulley
Rutan & Tucker LLP
611 Anton Boulevard
Suite 1400
Costa Mesa, California 92626

Dated May 20, 2014

Respectfully submitted,

/Eugene Mandarino/
Eugene Mandarino

/Maria Mandarino/
Maria Mandarino

